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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/615,830	07/13/2000	Charles T. Shotton JR.	J522-006 US	6757

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EXAMINER

BULLOCK JR, LEWIS ALEXANDER

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/615,830	Applicant(s) SHOTTON ET AL.	
	Examiner Lewis A. Bullock, Jr.	Art Unit 2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,7-24 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-24 and 31-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7-24 and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over MUTHUSWAMY (U.S. Patent 6,606,525) in view of BERANEK (UK Patent Application GB 2329309 A).

As to claim 1, MUTHUSWAMY teaches a system for retrieving a changing target content (dynamic data) from multiple target sources on a remote computer (servers) (fig. 1), the system comprising: means for retrieving data from a target source on a remote computer, program instructions for identifying a predefined structural location (html pointer or indicator of dynamic data) of target content located within a version of data retrieved from the first target source, and predefined structural location based upon a structural location of target content identified in a previous version of data retrieved from the target source (via determining pointer or indicator from previous downloading and caching of web page), the first target source comprising content (static data) in addition to the target content; and executing the program instructions to thereby retrieve potentially changing target content from the predefined structural location in the target source; and display a first portion of content retrieved from the target source, the first portion consisting of the potentially changing target content from the predefined

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structural location in the first target source, and for displaying, simultaneously with the portion of content retrieved from the target source, a second portion of content retrieved from a second target source, the second target source being different from the first target source (via the client system having the capabilities of identifying based on tags of the requested HTML file both static and dynamic data such that when a web page is requested to be refreshed, the dynamic data and any expired static data is downloaded and merged with current static data to be displayed to the user) (see abstract; col. 2, line 48-67; col. 3, lines 1-62, col. 4, lines 21-62). However, MUTHUSWAMY does not teach the cited instructions being performed by an agent.

BERANEK teaches an agent (client side HTTP caching proxy) (pg. 21, lines 7-17) comprising an agent engine for executing program instructions to download a target document (retrieve web page), reformat the extracted target content into a common format (via the filtering mechanism) (pg. 32, lines 13-22; pg. 36, lines 1-13), and store the target content on the local computer (caching the web page), and at least one publication template (filtering list of actions) for arranging the retrieved, stored target content for display on the local computer (pg. 21, line 18 – pg. 22, line 12; pg. 23, lines 6 –8; pg. 25, lines 1-5; pg. 26, lines 6-18; pg. 30, lines 12-21). It would be obvious to one of ordinary skill in the art that the combining and displaying of static and dynamic data is a form of filtering and formatting of the data. Therefore, it would be obvious to one skilled in the art to combine the system of MUTHUSWAMY with the system of BERANEK in order to facilitate control presentation of a document for display (pg. 3, lines 17-19).

As to claim 8, refer to claim 1 for rejection.

As to claim 15, refer to claim 1 for rejection.

As to claim 31, refer to claim 1 for rejection.

As to claim 7, MUTHUSWAMY teaches the data is a web page structure and algorithms for parsing the data retrieved from the target source structure to find the target content (via using the tags / pointers to previous versions of the web page to locate the dynamic data and download this data) (see abstract; col. 2, line 48-67; col. 3, lines 1-62, col. 4, lines 21-62).

As to claims 9-11, BERANEK teaches a web browser display window (web browser) capable of displaying the target content as arranged by the publication templates (via a filtering mechanism using a filtering list of actions to display the contents) (pg. 21, line 18 – pg. 22, line 12; pg. 23, lines 6 –8; pg. 25, lines 1-5; pg. 26, lines 6-18; pg. 30, lines 12-21). Official Notice is taken in that it is obvious to one of ordinary skill in the art that an agent is capable of communicating with other agents or be made up of a plurality of sub-agents to retrieve requested content and therefore would be obvious in view of BERANEK that the agent would communicate with a server agent or be made up of a plurality of sub-agents to retrieve the requested content.

As to claim 13 and 14, refer to claim 7 for rejection.

As to claims 16-22, BERANEK teaches an agent (client side HTTP caching proxy) (pg. 21, lines 7-17) comprising an agent engine for executing program instructions to download a target document (retrieve web page), reformat the extracted target content into a common format (via the filtering mechanism) (pg. 32, lines 13-22; pg. 36, lines 1-13), and store the target content on the local computer (caching the web page), and at least one publication template (filtering list of actions) for arranging the retrieved, stored target content for display on the local computer (pg. 21, line 18 – pg. 22, line 12; pg. 23, lines 6 –8; pg. 25, lines 1-5; pg. 26, lines 6-18; pg. 30, lines 12-21). Official Notice is taken in that it is obvious to one of ordinary skill in the art that an agent is capable of communicating with other agents or be made up of a plurality of sub-agents to retrieve requested content and therefore would be obvious in view of BERANEK that the agent would communicate with a server agent or be made up of a plurality of sub-agents to retrieve the requested content.

As to claims 23 and 24, refer to claim 7 for rejection.

As to claim 12, MUTHUSWAMY and BERANEK substantially disclose the invention as defined above. However, neither of the cited references explicitly mention a scheduler for performing the cited steps on a periodic schedule. Official Notice is

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taken in that these operations are well known in the art. It is well known in the art for a scheduler of a computer system to perform a function on a periodic basis. It is further well known and obvious that a user or the system automatically would refresh a web page on a periodic basis and therefore obvious based on this well known teaching that the cited instructions are executed when the web page is refreshed.

As to claims 32-35, MUTHASWAMY teaches identifying the target content comprises identifying marker text (tags) (via the client system having the capabilities of identifying based on tags of the requested HTML file both static and dynamic data such that when an web page is requested to be refreshed, the dynamic data and any expired static data is downloaded and merged with current static data to be displayed to the user) (see abstract; col. 2, line 48-67; col. 3, lines 1-62, col. 4, lines 21-62).

Relevant Prior Art Cited, but not Relied Upon

The examiner also refers Applicant to U.S. Patent Application Publication 2002/0004813 A1, which is supported in the provisional application 60/187,925 filed March 8, 2000 wherein when a web page is refreshed, referenced / identified dynamically generated page blocks and expired or stale static page blocks are downloaded from a remote source and combined with the cached static page blocks to generate the web page wherein the cited functionality can be performed by the client or server or combination of the two.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 7-24 and 31-35 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

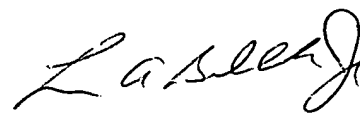
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A. Bullock, Jr. whose telephone number is (571) 272-3759. The examiner can normally be reached on Monday-Friday, 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

October 30, 2006


LEWIS A. BULLOCK, JR.
PRIMARY EXAMINER